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February 25, 2008

**Via Federal Express**

Hon. Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1010  
New York, NY 10007-1312

**Re: Advance Magazine Publishers, Inc. v. Zap Zone Network, et al.  
07-CV-7923**

Dear Judge Stein:

We represent plaintiff Advance Magazine Publishers, Inc. in the above-captioned matter. We write requesting a mid-discovery status conference pursuant to the scheduling order entered by the Court on October 26, 2007.

The Joint Rule 26(f) Report submitted by the parties to the Court on October 25, 2007, indicated that defendants intended to file a motion to dismiss one or more of the counts in the complaint. The proposed scheduling order set forth a briefing schedule for such a motion. Your Honor amended the proposed order to state that, in the event such a motion was not filed, the parties should write to the Court requesting a mid-discovery status conference.

Defendants did not file a dispositive motion but instead answered the complaint. Shortly thereafter, defendants indicated a willingness to settle the dispute and the parties have been in negotiations for a full resolution of the matter. When negotiations stalled, plaintiff served document requests on defendants on January 14, 2008. Per agreement of the parties, defendants' time to respond was February 20, 2008. Although we continue to believe that settlement is and should be possible, no agreement has yet been reached and no documents have been produced.

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Accordingly, plaintiff requests that this Court schedule a mid-discovery status conference pursuant to its order of October 26, 2007.

Respectfully Yours,



Elizabeth A. McNamara

cc: Bruce Katz, Esq.  
Paul Hoffman, Esq.  
Attorneys for Defendants